

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1387

Introduced by Assembly Member Solorio

February 18, 2011

~~An act to amend Section 271 of the Penal Code, relating to crimes.~~
An act to add Section 3054.5 to the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 1387, as amended, Solorio. ~~Crimes: child abandonment.~~
Rebuilding Communities and Rebuilding Lives Act of 2011.

Existing law, until January 1, 2011, required the Department of Corrections and Rehabilitation to establish a pilot program in Alameda County for parolees returning to Alameda County to conduct needs-based assessments of the individual parolees, as specified.

This bill would require the California Emergency Management Agency, subject to an appropriation of funds, to establish a Youthful Offender Reentry (Cal-Yor) competitive grant program specifically targeting offenders who will be between 16 and 23 years of age upon their release from a local county juvenile facility, the Department of Corrections and Rehabilitation's Division of Juvenile Facilities, probation, or parole to assist in community reintegration upon release, as specified. The reentry programs would include construction training, academic services, counseling, and tracking of graduates after completion of the program. The bill would require the agency to maintain statistical information related to the reentry programs, as specified.

~~Existing law provides that every parent of any child under the age of 14 years, and every person to whom that child has been confided for~~

nurture, or education, who deserts that child in any place whatever with intent to abandon that child, is punishable by imprisonment in the state prison or in the county jail not exceeding one year or by fine not exceeding \$1,000 or by both that fine and imprisonment.

~~This bill would increase the fine specified above to a fine not exceeding \$1,500.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3054.5 is added to the Penal Code, to
2 read:
3 3054.5. (a) This section shall be known as the Rebuilding
4 Communities and Rebuilding Lives Act of 2011.
5 (b) The Legislature finds and declares all of the following:
6 (1) Recidivism rates of youthful offenders in California are
7 unacceptably high.
8 (2) Relevant studies show that access to education and job
9 training programs can play a significant role in reducing
10 recidivism rates especially if enrollment takes place immediately
11 upon release from incarceration.
12 (3) The California Emergency Management Agency debuted
13 the California Youthful Offender Reentry competitive grant
14 program in 2011 and utilized appropriate federal funding to
15 support this program.
16 (4) The Legislature intends to continue this program contingent
17 upon appropriate funding.
18 (c) (1) The California Emergency Management Agency, to the
19 extent funds are appropriated for the purpose of this section, shall
20 establish a Youthful Offender Reentry (Cal-Yor) competitive grant
21 program specifically targeting offenders who will be between 16
22 and 23 years of age upon their release from a local county juvenile
23 facility, the Department of Corrections and Rehabilitation's
24 Division of Juvenile Facilities, probation, or parole.
25 (2) Grantees shall preenroll eligible youths into eligible
26 community programs, as defined in this section. Priority shall be
27 given to programs that have existed for at least one year prior to
28 the effective date of this section and to those eligible community

1 *programs that have operated at any time in the previous three*
2 *years.*

3 *(3) Each grantee shall officially enroll each youthful offender*
4 *into its program no more than 72 hours after release from a*
5 *described local or state facility. Participation of an eligible youth*
6 *in any eligible community program shall commence no more than*
7 *72 hours after release, parole, or discharge from a facility operated*
8 *by the department or the local entity. Enrollment and participation*
9 *are subject to the approval of each program or local entity.*

10 *(d) For purposes of this section, an “eligible community*
11 *program” means, at a minimum, a program that provides all of*
12 *the following:*

13 *(1) Integrated education and job training services and activities*
14 *on an equally divided basis, with 50 percent of participants’ time*
15 *spent in classroom-based instruction, counseling, and leadership*
16 *development instruction, and 50 percent of participants’ time spent*
17 *in experiential job training.*

18 *(A) The education component described in this paragraph shall*
19 *include basic skills instruction, secondary education services, and*
20 *other activities designed to lead to the attainment of a high school*
21 *diploma or its equivalent. The curriculum for this component shall*
22 *include math, language arts, vocational education, life skills*
23 *training, social studies related to the cultural and community*
24 *history of the participants, and leadership skills.*

25 *(B) Bilingual services shall be available for individuals with*
26 *limited English proficiency, and an English learning curriculum*
27 *shall be provided where feasible and appropriate.*

28 *(C) A program shall have a goal of a minimum*
29 *teacher-to-student ratio of one teacher for every 18 students.*

30 *(D) The job training component described in paragraph (1)*
31 *shall involve work experience and skills training apprenticeships*
32 *related to construction and rehabilitation activities described in*
33 *paragraph (4).*

34 *(2) Assistance in attaining postsecondary education and in*
35 *obtaining financial aid shall be made available to participants*
36 *prior to graduation from the program.*

37 *(3) Counseling services designed to assist participants in*
38 *positively participating in society, including all of the following,*
39 *as necessary:*

40 *(A) Outreach, assessment, and orientation.*

1 (B) Individual and peer counseling.

2 (C) Life skills training.

3 (D) Drug and alcohol abuse education and prevention.

4 (E) Referral to appropriate drug rehabilitation, medical, mental
5 health, legal, housing, and other community services and resources.
6 A program shall have a goal of a minimum
7 counselor-to-participant ratio of one counselor for every 28
8 participants.

9 (4) Acquisition, rehabilitation, acquisition and rehabilitation,
10 or construction of housing and related facilities to be used for the
11 purpose of providing home ownership for disadvantaged persons,
12 residential housing for homeless individuals and very low income
13 families, or transitional housing for persons who are homeless,
14 ill, deinstitutionalized, or who have disabilities or special needs.

15 (5) Leadership development training that provides participants
16 with meaningful opportunities to develop leadership skills,
17 including decisionmaking, problem solving, and negotiating. A
18 program shall encourage participants to develop strong peer group
19 ties that support their mutual pursuit of skills and values.

20 (e) Each eligible community program shall work cooperatively
21 with local probation and parole offices to ensure appropriate
22 oversight of any eligible youth who enrolls and participates in the
23 program for the duration of the eligible youth's participation and
24 term of probation or parole. Eligible community programs shall
25 meet the requirements described in Article 4 (commencing with
26 Section 9800) of Chapter 2 of Part 1 of Division 3 of the
27 Unemployment Insurance Code.

28 (f) For purposes of this section, an "eligible youth" means a
29 person between 16 and 23 years of age, who is economically
30 disadvantaged, as defined in Section 12511 of Title 42 of the United
31 States Code, and who is under the custody and control of the
32 Department of Corrections and Rehabilitation, Division of Juvenile
33 Facilities or a county.

34 (g) Priority for enrollment shall be given to eligible youths
35 whom the department or local entity has determined to be gang
36 affiliated, or who have an immediate family member who has been
37 identified as gang affiliated.

38 (h) The California Emergency Management Agency shall
39 maintain statistical information on the success of this program,
40 including, but not limited to, the number of eligible youths served

1 *and the rate of return to custody for those eligible youths who*
2 *enroll and participate in an eligible community program. This*
3 *information shall be provided to the Legislature upon request.*

4 SECTION 1. ~~Section 271 of the Penal Code is amended to~~
5 ~~read:~~

6 ~~271. Every parent of any child under the age of 14 years, and~~
7 ~~every person to whom that child has been confided for nurture, or~~
8 ~~education, who deserts that child in any place whatever with intent~~
9 ~~to abandon that child, is punishable by imprisonment in the state~~
10 ~~prison or in the county jail not exceeding one year or by a fine not~~
11 ~~exceeding one thousandfive hundred dollars (\$1,500) or by both~~
12 ~~that fine and imprisonment.~~